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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 UNITED STATES OF AMERICA,
8 Plaintiff,
9 v.
10 MARIO CASTRO,
11 Defendant.

2:19-CR-295-GMN-NJK

Preliminary Order of Forfeiture

12 This Court finds Mario Castro was found guilty of Counts 1 and 6-12 of a 14-Count
13 Criminal Indictment charging him in Count 1 with conspiracy to commit mail fraud in
14 violation of 18 U.S.C. §§ 1341 and 1349 and in Counts 6-12 with mail fraud in violation of
15 18 U.S.C. § 1341. Criminal Indictment, ECF No. 1; Minutes of Jury Trial, ECF No. 740;
16 Jury Verdict, ECF No. 749.

17 This Court finds, under Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of
18 America has shown the requisite nexus between property set forth in the Forfeiture
19 Allegation of the Criminal Indictment and the offenses to which Mario Castro was found
20 guilty. Criminal Indictment, ECF No. 1; Minutes of Jury Trial, ECF No. 740; Jury Verdict,
21 ECF No. 749.

22 The following property and money judgment are any property, real or personal,
23 which constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 1341, a
24 specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or 18
25 U.S.C. § 1349, conspiracy to commit such offense and are subject to forfeiture under 18
26 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c) and 21 U.S.C. § 853(p):

27 1. \$106,150;
28 2. \$20,400.32;

- 1 3. \$34,364;
- 2 4. \$40,010;
- 3 5. \$50,126.59;
- 4 6. \$4,998;
- 5 7. \$10,908;
- 6 8. \$15,278;
- 7 9. \$6,975;
- 8 10. \$4,644;
- 9 11. \$3,101;
- 10 12. \$1,824;
- 11 13. \$13,146;
- 12 14. \$1,785;
- 13 15. \$14,439;
- 14 16. \$9,887;
- 15 17. \$8,253;
- 16 18. \$138;
- 17 19. \$12,464.03; and
- 18 20. \$18,950

19 (all of which constitutes property)

20 and an in personam criminal forfeiture money judgment of \$1,907,095, not to be
21 held jointly and severally liable with any codefendants, the collected money judgment
22 amount between the codefendants is not to exceed \$10,000,000 to ensure the government
23 does not collect more than the forfeitable amount based on the forfeiture statutes and Ninth
24 Circuit cases, and that items 16 and 17 above will be applied toward the payment of the
25 \$1,907,095 money judgment.

26 This Court finds that on the government's motion, the Court may at any time enter
27 an order of forfeiture or amend an existing order of forfeiture to include subsequently
28 located property or substitute property under Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

1 The in personam criminal forfeiture money judgment complies with *United States v.*
2 *Lo*, 839 F.3d 777 (9th Cir. 2016); *Honeycutt v. United States*, 581 U.S. 443 (2017); *United States*
3 *v. Thompson*, 990 F.3d 680 (9th Cir. 2021); and *United States v. Prasad*, 18 F.4th 313 (9th Cir.
4 2021).

5 This Court finds the United States of America is now entitled to, and should, reduce
6 the aforementioned property to the possession of the United States of America.

7 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
8 DECREED that the United States of America should seize the aforementioned property.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United
10 States of America recover from Mario Castro an in personam criminal forfeiture money
11 judgment of \$1,907,095.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
13 rights, ownership rights, and all rights, titles, and interests of Mario Castro in the
14 aforementioned property are forfeited and are vested in the United States of America and
15 shall be safely held by the United States of America until further order of the Court.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
17 of America shall publish for at least thirty (30) consecutive days on the official internet
18 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
19 describe the forfeited property, state the times under the applicable statute when a petition
20 contesting the forfeiture must be filed, and state the name and contact information for the
21 government attorney to be served with the petition, under Fed. R. Crim. P. 32.2(b)(6).
22 Notice is served on any individual or entity on the date when it is placed in the mail,
23 delivered to a commercial carrier, or sent by electronic mail under Fed. R. Crim. P.
24 32.2(b)(6)(D) and Supplemental Rule G4(b)(i) and (iv).

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
26 or entity who claims an interest in the forfeited property must file a petition for a hearing to
27 adjudicate the validity of the petitioner's alleged interest in the property under 21 U.S.C. §
28 853(n)(2), which petition shall be signed by the petitioner under penalty of perjury under 21

1 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the
2 petitioner's right, title, or interest in the property, the time and circumstances of the
3 petitioner's acquisition of the right, title, or interest in the property, any additional facts
4 supporting the petitioner's claim, and the relief sought.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
6 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
7 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
8 not sent, no later than sixty (60) days after the first day of the publication on the official
9 internet government forfeiture site, www.forfeiture.gov, whichever is earlier.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
11 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
12 Attorney's Office at the following address at the time of filing:

13 Daniel D. Hollingsworth
14 Assistant United States Attorney
15 Misty L. Dante
16 Assistant United States Attorney
17 501 Las Vegas Boulevard South, Suite 1100
18 Las Vegas, Nevada 89101.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
20 described herein need not be published in the event a Declaration of Forfeiture is issued by
21 the appropriate agency following publication of notice of seizure and intent to
22 administratively forfeit the above-described property.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
24 copies of this Order to all counsel of record and three certified copies to the United States
25 Attorney's Office, Attention Asset Forfeiture Unit.

26 DATED August 7, 2023.

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28 GLORIA M. NAVARRO
UNITED STATES DISTRICT JUDGE